REMARKS

Claims 1-30 were previously pending. No claims have been added, canceled, or amended. Reconsideration of presently pending claims 1-30 is respectfully requested in light of the following remarks.

Independent claims 1, 11, 20, and 28 stand rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,047,367 to Wei, et al. ("Wei") in view of an article written by Tan et al. entitled "Effect of a Titanium Cap in Reducing Interfacial Oxides in the Formation of Nickel Silicide" ("Tan").

Claim 1 requires "forming an interlayer material on said MOSFET device having a thickness less than 15 Angstroms." In making the §103 rejection, the Office Action states "Wei fails to disclose a interlayer material having a device thickness of less than 15 angstroms. However Tan et al. disclose the formation of a 10 angstrom titanium cap." In reality, however, Tan does not disclose the formation of a 10 angstrom cap. Rather, Tan discloses the use of a **10 nm** or **100 Angstrom** cap. In fact, Tan *teaches away* from the use of a titanium cap with a thickness of 5 nm (= 50 Angstroms) or less:

> "**When too thin (5 nm) a Ti layer is deposed as the cap layer, it becomes ineffective** in lowering the silicidation reaction temperature... [I]f too thin a Ti cap is deposited, the Ti could react with the ambient oxygen and lead to an insufficient amount of Ti that is able to diffuse and take part in the reduction process. As a result, the Ti cap would be totally ineffective in lowering the silicidation temperatures." (emphasis added) (pg. 9)

Thus, Tan clearly teaches away from "forming an interlayer material on said MOSFET device having a thickness less than 15 Angstroms," as required by claim 1.

Further, the Wei reference also *teaches away* from claim 1 by stating, "Although precise thicknesses are not critical, the titanium layer has a thickness in the range of 50-300

angstroms...." Column 5, Lines 66-68. In this manner Wei teaches away from a interlayer material having a thickness less than 15 angstroms.

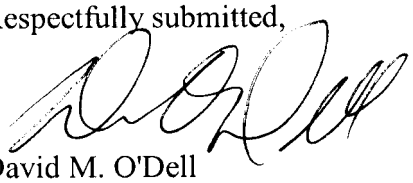
Thus, even when combined Wei and Tan fail to teach the claimed subject matter of claim 1. Further, each reference actually teaches away from the claimed subject matter. Therefore, for at least these reasons the § 103 rejection of claim 1 is improper and should be withdrawn.

All of the other independent claims 11, 20, and 28 include similar limitations, and for at least the same reasons, should also be allowed over the cited art.

It is clear from all of the foregoing that independent claims 1, 11, 20, and 28 are in condition for allowance. Dependent claims 2-10, 12-19, 21-27, and 29-30 depend from and further limit independent claims 1, 11, 20, and 28, and therefore are allowable as well.

An early formal notice of allowance of claims 1-30 is requested.

Respectfully submitted,



David M. O'Dell
Registration No. 42,044

Dated: November 9, 2006
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972/739-8635
Facsimile: 214/200-0853
Client Matter No.: 2003-0493
Attorney Docket No.: 24061.525
Document No.: R144382.1

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on November 9, 2006.

Bonnie Boyle

Bonnie Boyle